REGULAR MEETING OF THE BOARD OF SUPERVISORS
ORANGE COUNTY, CALIFORNIA

*Tuesday, August 13, 2013,* 9:30 A.M.

BOARD HEARING ROOM, FIRST FLOOR
333 W. Santa Ana Blvd., 10 Civic Center Plaza
Santa Ana, California

**SHAWN NELSON**
CHAIRMAN
Fourth District

**PATRICIA BATES**
VICE CHAIRMAN
Fifth District

**JANET NGUYEN**
SUPERVISOR
First District

**JOHN M.W. MOORLACH**
SUPERVISOR
Second District

**TODD SPITZER**
SUPERVISOR
Third District

ATTENDANCE: All Present

EXCUSED: None

| | | |
|---|---|---|
| PRESENT: | COUNTY EXECUTIVE OFFICER | Michael B. Giancola |
| | COUNTY COUNSEL | Nicholas S. Chrisos |
| | CLERK OF THE BOARD | Susan Novak |

INVOCATION: Supervisor Moorlach, Second District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Spitzer, Third District, led the assembly in the Pledge of Allegiance

**I. PRESENTATIONS/INTRODUCTIONS**

**II. CONSENT CALENDAR (Items 1-20)**

23154 X **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 4 & 12 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

**BOARD APPOINTMENTS**

**Supervisor Spitzer:**

1. Acting as the Orange County Housing Authority - Housing and Community Development Commission - Reappoint Jim Palmer, Tustin, for term ending 6/30/15

2. North Tustin Advisory Committee - Appoint John P. (Pat) Welch, North Tustin, to complete term ending 3/31/16

3. **Supervisor Moorlach -** Airport Arts Commission - Appoint Albert Frink, Newport Coast, for term concurrent with 2nd District Supervisor's term of office

**ELECTED DEPARTMENT HEADS**

**District Attorney:**

4. Approve Real Estate Fraud Prosecution Annual Report, FY 2012-13 pursuant to Government Code Section 27388 (d) (1) & (d) (2) - All Districts

13254 **APPROVED AS RECOMMENDED**

5. Approve agreements with various cities for prosecution of violators of city ordinances, 7/1/13 - 6/30/18 - Districts 2, 3 & 5

6. Adopt resolution approving FY 2012-13 Federal Equitable Sharing agreement and Certification Report - All Districts
*RESO: 13-076*

**Sheriff-Coroner:**

7. Ratify and approve agreement 13112123 with State of California for coroner training courses for Commission on Peace Officer Standards and Training (POST), 7/1/13 - 6/30/14; accept reimbursement for training costs ($198,000); and authorize Sheriff-Coroner or designee to execute agreement - All Districts

8. Ratify and approve agreement 13112308 with State of California for Peace Officer Standards and Training (POST) Driving and Force Option Simulator courses, 7/1/13 - 6/30/14; accept reimbursement for training costs ($184,000); and authorize Sheriff-Coroner or designee to execute agreement - All Districts

9. Approve agreement 13112111 with State of California for Peace Officer Standards and Training (POST) Basic Narcotics Investigation course, 7/1/13 - 6/30/14; accept reimbursement for training costs ($43,200); and authorize Sheriff-Coroner or designee to execute agreement - All Districts

10. Approve amendment 3 to agreement MA-060-13012122 with Siemens Industry, Inc. for preventative maintenance and repairs to Coroner facility energy management system hardware and software, 9/13/13 - 9/12/14 ($19,056); and authorize Purchasing Agent or authorized Deputy to execute amendment - District 1

11. Approve amendment 2 to agreement MA-060-13011990 with Siemens Industry Inc. for preventive maintenance and repairs to Theo Lacy facility energy management system hardware and software, 9/1/13 - 8/31/14 ($51,536); and authorize Purchasing Agent or authorized Deputy to execute amendment - District 3

12. Authorize Sheriff-Coroner to divert candy wrappers from solid waste generated at Theo Lacy Facility to Carden Conservatory, Huntington Beach; and make related findings - All Districts

32154 **APPROVED AS RECOMMENDED**

13. Approve amendment 1 to agreement MA-060-13010733 with Harold Patterson dba HP Custom assigning to Ted Vance Wheeler dba TNTJ Customs for shotgun refinishing - All Districts

**OC COMMUNITY RESOURCES**

14. Approve amendment 1 to agreement D08-031 with Noble Consultants, Inc., for repair and rehabilitation of deteriorated revetment, Salt Creek Beach, term ending 8/18/14; and make California Environmental Quality Act findings - District 5

15. **Acting as the Orange County Housing Authority -** Authorize Executive Director or designee to sign Section 8 Management Assessment Program Certification and related documents for monitoring key areas of performance of Section 8 Housing Choice Voucher Program, FY 2012-13 - All Districts

**OC PUBLIC WORKS**

16. Approve agreement MA-080-13010911 with Natures Image, Inc. for vegetation removal for La Pata Avenue project, 10/1/13 - 12/31/13 ($181,133.52); and find Final Environmental Impact Report 610, certified on May 24, 2011, reflects the independent judgment of the County of Orange and satisfies the requirements of California Environmental Quality Act findings for the La Pata Avenue project - District 5

17. Approve amendment 5 to agreement MA-080-10013330 with Quinn Company, dba Quinn Power Systems for heavy duty caterpillar repair services ($140,000; new total $340,000); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

**Acting as the Orange County Flood Control District:**

18. Approve plans and specifications and set bid opening for 9/18/13, 2:00 p.m., for Prado Demolition Pine Avenue project; and find that Final Supplemental Environmental Impact Report 583, certified on December 19, 2001, reflects the independent judgment of the County of Orange and satisfies the requirements of California Environmental Quality Act for the advertisement for Prado Dam Retention Basin Property Demolition project - All Districts

19. Approve amendment 1 to Communications Site Lease and Memorandum of Lease with New Cingular; and find that Final Environmental Impact Report 583, certified on December 19, 2001, reflects the independent judgment of the County of Orange and satisfies the requirements of California Environmental Quality Act for the proposed lease amendment; and make related

findings - All Districts

**PUBLIC PROTECTION**

20. **Probation -** Approve agreement MA-057-14010011 with North Orange County Regional Occupational Program for Vocational Training and Pre-Employment Counseling Services, Juvenile Hall, Youth Guidance Center and Youth Leadership Academy, 9/1/13 - 8/31/14 ($364,000); renewable for two additional one-year periods - Districts 1 & 3

END OF CONSENT CALENDAR

## III. DISCUSSION ITEMS (Items 21-34)

### ELECTED DEPARTMENT HEADS

21. **Treasurer-Tax Collector -** Approve amendment 9 to agreement MA-074-10010309 with Financial Statement Services, Inc. for printing and mailing services, 8/25/13 - 8/24/14 ($643,000); and authorize Purchasing Agent or authorized Deputy to execute amendment - All Districts

25134 **APPROVED AS RECOMMENDED**

### HEALTH CARE AGENCY

22. Adopt resolution approving standard agreement 13-032-550 with State Water Resources Control Board for Leaking Underground Storage Tank Cleanup, 7/1/13- 6/30/14 ($1,072,470) - All Districts

54123 **APPROVED AS RECOMMENDED**

*RESO: 13-077*

### JOHN WAYNE AIRPORT

23. Approve amendment 6 to agreement with T.Y. Lin International/ Integrated Design Services for additional construction administrative services ($62,605; new total $1,953,066); and make California Environmental Quality Act findings - District 2

25134 **APPROVED AS RECOMMENDED**

24. Approve agreement with Balfour Beatty Construction and IDS Group Joint Venture for bridging document preparation and project and construction management services for Parking Structure C Phase 2 project ($3,779,910); and find that Final Environmental Impact Report 582 and Addendum 582-1, as revised by Final Supplemental EIR 582, as certified on October 19, 2004, fully analyzed and disclosed the proposed project's environmental effects, and the proposed project would not have any environmental effects beyond those analyzed and disclosed in these environmental documents - District 2

24135 **APPROVED AS RECOMMENDED**

### OC PUBLIC WORKS

25. Receive bids and award Job Order Contract to Palp Inc. dba Excel Paving Company for paving services for facilities maintenance and repair projects ($2,000,000); and make California Environmental Quality Act findings - All Districts

23154 **APPROVED AS RECOMMENDED**

26. Select Hill International, Inc. as primary and Parsons Transportation Group, Inc. as alternate firms for support services for construction management of La Pata Avenue/Camino Del Rio Extension project; authorize negotiation of agreement for Board approval; and find that Final Environmental Impact Report 610, certified on May 24, 2011, reflects the independent judgment of the County of Orange and satisfies the requirements of California Environmental Quality Act for La Pata Avenue/Camino Del Rio Extension project - District 5

52134 **APPROVED AS RECOMMENDED**

27. Select Bon Terra Consulting as primary and Golder Associates, Inc. as alternate firms for support services for preparation of Affordable Housing Environmental Impact Report; authorize negotiation of agreement for Board approval; and make California Environmental Quality Act findings - District 5

53124 **APPROVED AS RECOMMENDED**

28. Based upon Mitigated Negative Declaration IP03-105 as clearance under the California Environmental Quality Act, declare bid of Environmental Construction, Inc. to be non-responsive; receive bids and award contract to Belczak & Sons, Inc. for construction of Los Alamitos Pump Station Completion project ($5,672,950) - District 2

25134 **APPROVED AS RECOMMENDED**

## OC WASTE & RECYCLING

29. Approve agreement MA-299-14010037 with SWT Engineering and Tetra Tech BAS, Inc. for multi-discipline engineering support services, South Region Landfills, 8/15/13 - 8/14/16 ($1,000,000); and make California Environmental Quality Act findings - Districts 2, 3 & 5

25134 **APPROVED AS RECOMMENDED**

## GENERAL ADMINISTRATION

**County Executive Office:**

30. Approve proposed response to FY 2012-13 Grand Jury Report "Detention Facilities Report: (Part II Juvenile) "How Do We Know If We Are Taking Care of Our At-Risk Juveniles?" - All Districts

32154 **APPROVED AS RECOMMENDED**

31. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts

24135 **RECEIVED AND FILED**

32. Approve grant applications/awards submitted by Sheriff-Coroner, OC Public Works and District Attorney in 8/13/13 grant report and other actions as recommended; adopt resolution authorizing Sheriff-Coroner or designee to execute and submit to California Office of Emergency Services the FY 2013 Emergency Management Performance Grant Application ($752,278) and grant assurances and to take related actions under certain conditions; adopt resolution authorizing OC Public Works Director to submit application to Orange County Transportation Authority (OCTA) for Environmental Cleanup, Tier 2 Grant Program for the Fletcher Basin Improvement Project ($3,000,000) and take related actions for submittal of application and authorize Director to negotiate agreement with OCTA and Orange County Water District for Board approval; and adopt resolution authorizing District Attorney or designee to execute grant award agreement and amendments under certain conditions with California Department of Insurance for the Life and Annuity Consumer Protection Program, 7/1/13 - 6/30/14 ($116,000) and make grant assurances - All Districts

34125 **APPROVED AS RECOMMENDED**
*RESO: 13-078 - 13-080*

**Human Resource Services:**

33. Approve amendment 1 to agreement with Standard Insurance Company for Long Term Disability insurance and to administer Short Term Disability Plan and Reserve Deputy Sheriff Accidental Death and Dismemberment and Disability Income Protection Plan, 1/1/14 - 12/31/14 ($442,000); and authorize Chief Human Resources Officer to execute amendment - All Districts

21354 **APPROVED AS RECOMMENDED**

34. Approve amendment 3 to agreement with The Hartford Life and Accident Insurance Company for Accidental Death and Dismemberment Insurance for various employee groups, 1/1/14 - 12/31/14 ($113,000); and authorize Chief Human Resources Officer to execute amendment - All Districts

23154 **APPROVED AS RECOMMENDED**

**IV. PUBLIC HEARINGS (None)**

**V. CLOSED SESSION (Items CS-1-CS-3)**

**GENERAL ADMINISTRATION**

**County Counsel:**

CS-1. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - Pursuant to Government Code Section 54956.9(d)(2):
Number of Cases: One Case

B.O. **HELD, NO REPORTABLE ACTION**

CS-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(d)(1):
Name of Case: Leroy Miller v. County of Orange, Workers' Compensation Appeal Board Case No. ADJ4702574

B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF LEROY MILLER V. COUNTY OF ORANGE. THE PROPOSED SETTLEMENT REMAINS SUBJECT TO FINAL APPROVAL OF OTHERS. AS SOON AS THE PROPOSED SETTLEMENT BECOMES FINAL, DETAILS WILL BE MADE AVAILABLE IN THE OFFICE OF CEO/RISK MANAGEMENT TO ANY PERSON WHO INQUIRES.**

CS-3. **Human Resource Services -** CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to Government Code Section 54957.6:
Agency Negotiator: Steve Danley
Employee Organizations: Association of County Law Enforcement Management (ACLEM), American

Federation of State, County and Municipal Employees (AFSCME), Association of Orange County Deputy Sheriffs (AOCDS), Alliance of Orange County Workers (AOCW), In-Home Supportive Services Provider Unit (IHSS) represented by United Domestic Workers of America (UDWA), International Union of Operating Engineers (IUOE), Orange County Attorneys Association (OCAA), Orange County Employees Association (OCEA) and other non-represented employees
RE: Terms and Conditions of Employment

B.O. **HELD, NO REPORTABLE ACTION**

## VI. PUBLIC, CEO, BOARD COMMENTS & ADJOURNMENT

**PUBLIC COMMENTS:**

Opinion Online

Faxes from Joseph Gabrill

Steven Duff - Oral Re: Saddlecrest Development

Tanya and Michael Klubnikin - Oral Re: Sale of properties; District Attorney, Internal Audit and Grand Jury investigations

**COUNTY EXECUTIVE OFFICER COMMENTS:**
None

**BOARD COMMENTS, COMMITTEE, COMMISSION AND TRAVEL REPORTS:**
Supervisor Nguyen - Oral Re: Central County Senior Resource and Health Expo on 8/17/13

**ADJOURNED: 11:45 A.M.**

34125 **Adjourned in memory of Helen Walker**

54123 **Adjourned in memory of Frank Luigi Flores**

*** KEY ***

***Left Margin Notes***

1. = Supervisor Nguyen
2. = Supervisor Moorlach
3. = Supervisor Spitzer
4. = Supervisor Nelson
5. = Supervisor Bates

A. = Abstained
X. = Excused
N. = No
BO = Board Order

ORD. = Ordinance
RESO. = Resolution

*Above numbers refer to Supervisorial Districts (1st number = Moved by; 2nd number = Seconded by)*

*Chair, Orange County Board of Supervisors*

*Orange County Clerk of the Board*